



## Open FAR Cases as of 5/6/2022

1:22:33PM



## Open FAR Cases as of May 06, 2022

Case Number	Part Number	Title	Synopsis	Status
2022-008	11, 52	Update to ASSIST Database References	Replaces obsolete references to the ASSIST Shopping Wizard and the Department of Defense Single Stock Point with current titles and contact information.	03/23/2022 DARC Director tasked staff to draft final FAR rule. Report due 05/18/2022.
2022-007		Removal of FAR Subpart 8.5, Acquisition of Helium	Implements the Helium Stewardship Act of 2013, which requires the disposal of the Federal Helium System and cessation of the In-Kind Program by September 30, 2022.	03/23/2022 DARC Director tasked staff to draft proposed FAR rule. Report due 05/18/2022.
2022-006		Sustainable Procurement	Implements E.O. 14057, Catalyzing Clean Energy Industries and Jobs Through Federal Sustainability, and OMB Memorandum M-22-06 for the procurement of sustainable products and services. Updates the definition of "biobased product" (7 U.S.C 8101 and 8102) for the purposes of agency affirmative procurement programs and reorganizes FAR Part 23 for consistency and clarity.	03/17/2022 DARC Director tasked Acquisition Environmental and Contract Management Team to draft proposed FAR rule. Report due 05/18/2022.
2022-005		Update to Title 10 Citations	Updates statutory references in the FAR for changes to Title 10 of the United States Code, as reorganized by section 1801 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2021 (Pub. L. 116-283) and sections 1701 and 1702 of the NDAA for FY 2022 (Pub. L. 117-81).	03/09/2022 DARC Director tasked Ad Hoc Team to draft proposed FAR rule. Report due 05/18/2022.
2022-004		Enhanced Price Preferences for Critical Components and Critical Items	Implements Executive Order 14005, Ensuring the Future Is Made in All of America by All of America's Workers to address the identification of critical products and use of enhanced price preferences.	03/09/2022 DARC Director tasked Staff to draft proposed FAR rule. Report due 05/25/2022.
2022-003		(EO) Use of Project Labor Agreements For Federal Construction Projects	Implements E.O. 14063 on the use of project labor agreements in connection with large-scale construction projects to promote economy and efficiency in Federal procurement.	04/19/2022 CAAC Chair sent draft proposed FAR rule to OIRA. OIRA reviewing. Concurrent review requested.
2022-002		(S) Exemption of Certain Contracts from the Periodic Inflation Adjustments to the Acquisition-Related Thresholds	Implements section 861 of the NDAA for FY 2022 (Pub. L. 117-81), which provides additional exceptions to the periodic inflation adjustments of acquisition-related thresholds at FAR 1.109.	05/04/2022 DARC agreed to draft proposed FAR rule. DAR staff processing.

## Open FAR Cases as of May 06, 2022

Case Number	Part Number	Title	Synopsis	Status
2021-021		Ensuring Adequate COVID-19 Safety Protocols for Federal Contractors	Implements section Executive Order 14042, Ensuring Adequate COVID Safety Protocols for Federal Contractors, dated September 9, 2021 (86 FR 50985), which requires a clause to be included in certain contracts to ensure contractors are adequately protected from COVID-19.	01/20/2022 Draft proposed FAR rule from FAR analyst to CAAC Legal. CAAC Legal reviewing.
2021-020	19	Limitations on Subcontracting Revisions	Implements the requirements of SBA's final rules published on November 29, 2019 (84 FR 65647) and October 16, 2020 (85 FR 66146) regarding: additional exclusions of other direct costs from the limitations on subcontracting for services; similarly situated entity subcontractor requirements and the treatment of independent contractors for purposes of the limitations on subcontracting provisions; applicability of the Nonmanufacturer rule to a certain NAICS Code when using the Information Technology Value Added Reseller exception; an exception to the Nonmanufacturer rule and application of the multiple item rule to kit assemblers; the addition of construction to the definition of "mixed contract;" and the applicability of the limitations on subcontracting to a "mixed contract."	09/24/2021 DARC Director tasked Acquisition Small Business Team to draft proposed FAR rule. Report due 11/03/2021. Report due date extended to 06/01/2022.
2021-019		Standardizing Cybersecurity Requirements for Unclassified Federal Information Systems	Implements sections 2(i) and 8(b) of Executive Order 14028, Improving the Nation's Cybersecurity, relating to standardizing common cybersecurity contractual requirements across Federal agencies for unclassified Federal information systems, pursuant to Department of Homeland Security recommendations.	05/04/2022 DARC agreed to draft proposed FAR rule. DAR staff processing.
2021-017		Cyber Threat and Incident Reporting and Information Sharing	Implements sections 2(b)-(c), 2(g)(i), 8(b) of Executive Order 14028, Improving the Nation's Cybersecurity, relating to sharing of information about cyber threats and incident information and reporting cyber incidents	04/27/2022 DARC agreed to draft proposed FAR rule. DAR staff processing.

## Open FAR Cases as of May 06, 2022

Case Number	Part Number	Title	Synopsis	Status
2021-016		Minimizing the Risk of Climate Change in Federal Acquisitions	Implements section 5(b)(ii) of Executive Order 14030, Climate-Related Financial Risk, which directs the FAR Council to consider amending the FAR to ensure that major agency procurements minimize the risk of climate change.	01/26/2022 DARC Director tasked the Acquisition Environmental and Contract Management Team to review public comments, draft proposed FAR rule. Report due 03/09/2022. Report due date extended to 05/18/2022.
2021-015		Disclosure of Greenhouse Gas Emissions and Climate-Related Financial Risk	Implements section 5(b)(i) of Executive Order 14030, Climate-Related Financial Risk, which directs the FAR Council to consider amending the FAR to require major Federal suppliers to publicly disclose greenhouse gas emissions and climate-related financial risk and to set science-based reduction targets.	04/20/2022 FAR staff notified DAR staff of CAAC differences from team report or DARC suggested changes. DAR and FAR staff resolving draft proposed FAR rule open issues.
2021-014		Increasing the Minimum Wage for Contractors	Implements E.O. 14026, Increasing the Minimum Wage for Federal Contractors, dated April 27, 2021, and Department of Labor regulations. The E.O. seeks to increase efficiency and cost savings in the work performed by parties who contract with the Federal Government by increasing to \$15.00 the hourly minimum wage paid those contractors.	04/20/2022 DARC Director tasked Staff to review public comments, draft final FAR rule. Report due 06/15/2022.
2021-013		Access to Past Performance Information	Amends FAR 42.1503 to clarify that the Government may provide Contractor Performance Assessment Reporting System access to a third-party contractor, with appropriate safeguards, for the purposes of performing value-added services for the government.	05/19/2021 DARC Director tasked Acquisition environmental and Contract Management Team to draft proposed FAR rule. Report due 07/14/2021. Report due date extended to 06/01/2022.

## Open FAR Cases as of May 06, 2022

Case Number	Part Number	Title	Synopsis	Status
2021-012		8(a) Program	Implements the requirements of SBA's final rule published October 16, 2020 (85 FR 66146) regarding offer and acceptance in the 8(a) program for blanket purchase agreements; the offer of a procurement to the 8(a) program prior to solicitation issuance; SBA's concurrence to release follow-on procurements from the 8(a) program; the processing of certain agency waiver requests; and the exception to certificate of competency procedures for 8(a) sole-source contracts.	12/08/2021 DAR staff notified FAR staff that DARC agreed to draft proposed FAR rule. Awaiting CAAC concurrence.
2021-011		Past Performance of First-Tier Subcontractors	Implements the requirements of SBA's final rule published October 16, 2020 (85 FR 66146) for consideration of the past performance and experience of first-tier subcontractors for the award of bundled or consolidated contracts and certain multiple-award contracts, and other procurements, as appropriate.	05/12/2021 DARC Director tasked Acquisition Small Business Team to draft proposed FAR rule. Report due 07/14/2021. Report due date extended to 06/01/2022.
2021-010		Subcontracting to Puerto Rican and Other Small Businesses	Implements the requirements of SBA's final rule published October 16, 2020 (85 FR 66146) regarding contracting incentives to mentors that subcontract to protégé firms that are Puerto Rican businesses (section 861 of the National Defense Authorization Act for Fiscal Year 2019 (Pub. L. 115-232)); reliance on subcontractor representations; and the requirement for subcontracting plans for Alaska Native Corporations.	03/16/2022 Case on hold, pending SBA rulemaking to revise 13 CFR 125.9(d)(6) to align with 15 U.S.C. 657r(a) as amended by section 861 of the NDAA for FY 2019 (Pub. L. 115-232).
2021-009		Protests of Orders Set Aside for Small Business	Implements the requirements in SBA's final rule October 16, 2020 (85 FR 66146) regarding size protests on set-aside orders under multiple-award contracts that were not set aside; socioeconomic status protests on set-aside orders where the required status differs from that of the underlying multiple-award contract; and the authority for SBA's Associate General Counsel for Procurement Law to initiate a size protest.	05/12/2021 DARC Director tasked Acquisition Small Business Team to draft proposed FAR rule. Report due 07/28/2021. Report due date extended to 05/18/2022.

## Open FAR Cases as of May 06, 2022

Case Number	Part Number	Title	Synopsis	Status
2021-006		(S) Prohibition on Requiring Disclosure of Political Contributions	Implements section 735 of Division E of Title VII of the Consolidated Appropriations Act, 2021 (Pub. L. 116-260), and similar sections in prior appropriations acts, which prohibit the Government from requiring an offeror to disclose, as a condition of its offer, any payments the offeror has made to a candidate for election for Federal office or to a political committee.	03/03/2021 DARC Director tasked Acquisition Strategy Team to draft proposed FAR rule. Report due 04/21/2021. Report due date extended to 05/18/2022.
2021-005		(S) Disclosure of Beneficial Owner in Federal Contracting	Implement sections 885 and 6403 of the NDAA for FY 2021 (Pub. L. 116-283). Section 885 amends 41 U.S.C. 2313 to require the Federal Awardee Performance and Integrity Information System include identifying information on the beneficial owner of certain corporations. Paragraph (c) of section 6403 requires certain offerors to disclose beneficial ownership information in their offers for contracts over the simplified acquisition threshold.	04/19/2021 DARC Director tasked Ad hoc Team to draft proposed FAR rule. Report due 04/14/2021. Report due date extended to 05/25/2022.
2021-001		Increased Efficiencies with Regard to Certified Mail, In-person Business, Mail, Notarization, Original Documents, Seals, and Signatures	Considers amendments to the Federal Acquisition Regulation to increase flexibilities and efficiencies with regard to certified mail, notarization, original documents, seals, in-person business, mail, and signatures through use of digital and virtual technology.	06/25/2021 DAR staff notified FAR staff that DARC agreed to draft proposed FAR rule. Awaiting CAAC concurrence.
2020-016	19, 52	Rerepresentation of Size and Socioeconomic Status	Implements the requirement in SBA's proposed rule (84 FR 60846, November 8, 2019) for rerepresentation of size and socioeconomic status for orders under multiple-award contracts.	03/29/2022 CAAC staff notified DFAR staff of CAAC suggested changes. DAR and FAR staff resolving draft proposed FAR rule open issues.
2020-015	17	Business-case Analysis Requirements for Multi-Agency Contracts	Implements OMB Memo M-19-13, Category Management: Making Smarter Use of Common Contract Solutions and Practices, March 20, 2019.	09/16/2021 FAR staff notified DAR staff of CAAC differences from team report or DARC suggested changes. DAR and FAR staff resolving draft proposed FAR rule open issues.

## Open FAR Cases as of May 06, 2022

Case Number	Part Number	Title	Synopsis	Status
2020-014		(S) United States-Mexico-Canada Agreement	Implements the United States-Mexico-Canada Agreement (USMCA) and the United States-Mexico-Canada Agreement Implementation Act (Pub. L. 116-113)(FY20), which replaces the North American Free Trade Agreement (NAFTA. The Government Procurement Agreement at chapter 13 of the USMCA applies only to Mexico, so Canada is no longer a Free Trade Agreement country. Canada is still a designated country under the World Trade Organization Government Procurement Agreement.	04/13/2022 Draft final FAR rule from FAR analyst to OFPP. OFPP reviewing.
2020-013	19	(S) Certification of Women-Owned Small Businesses	Implements the statutory requirement for certification of businesses participating in the Women-Owned Small Business Program (section 825 of the National Defense Authorization Act for Fiscal Year 2015), as implemented by the Small Business Administration in its final rule published May 11, 2020 (85 FR 27650).	05/03/2022 Draft final FAR rule from FAR analyst to CAAC Legal. CAAC Legal reviewing.
2020-011		(S) Implementation of FASC Exclusion Orders	Implements section 1323 of the SECURE Technology Act (Pub. L. 115-390)(FY19), which created the Federal Acquisition Security Council (FASC) and authorized the Secretary of Homeland Security, the Secretary of Defense, and the Director of National Intelligence to issue exclusion and removal orders, upon the recommendation of the FASC. These orders are issued to protect national security by excluding certain covered products, services, or sources from the Federal supply chain.	03/09/2022 FAR staff notified DAR staff of CAAC differences from team report or DARC suggested changes. DAR and FAR staff resolving open issues.
2020-010	27, 52, 6	Small Business Innovation Research and Technology Transfer Programs	Implements changes related to data rights in the Small Business Administration's Policy Directive for the Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) Programs, published in the Federal Register on April 2, 2019 (84 FR 12794). Implements competition requirements unique to Phase III awards under the SBIR and STTR Programs.	04/01/2020 DARC Director tasked the Acquisition Law Team to draft proposed FAR rule. Report due 05/27/2020. Report due date extended to 05/11/2022.

## Open FAR Cases as of May 06, 2022

Case Number	Part Number	Title	Synopsis	Status
2020-009	25.104	List of Domestically Nonavailable Articles	Implements the requirement at FAR 25.104(b) to publish the list of Domestically Nonavailable Articles in the Federal Register for public comment no less frequently than once every five years.	07/29/2020 DARC Director tasked Staff Level (FAR) Team to consider revisions to draft proposed FAR rule. Report due 11/25/2020. Report due date extended to 06/01/2022.
2020-008		(S) Prohibition on Criminal History Inquiries by Contractors Prior to Conditional Offer	Implements section 1123 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2020. Section 1123 amends 41 U.S.C. 4714 and 10 U.S.C. 2338 adding a new section 10 U.S.C. 2339, prohibiting criminal history inquiries by contractors prior to conditional offer.	01/23/2020 DARC Director tasked Acquisition Law Team to draft proposed FAR rule. Report due 04/01/2020. Report due date extended to 06/01/2022.
2020-007		(S) Accelerated Payments Applicable to Contracts with Certain Small Business Concerns	Implements section 873 of the NDAA for FY 2020. Section 873 amends 31 U.S.C. 3903(a) to require accelerated payment dates for small business prime contractors and prime contractors that subcontract with small business concerns.	05/04/2022 DARC received the Acquisition Finance Team draft final FAR rule DAR staff. Will discuss on 05/18/2022.
2020-005		(S) Explanations to Unsuccessful Offerors on Certain Orders Under Task- and Delivery-Order Contracts	Implements section 874 of the NDAA for FY 2020, which requires, when awarding a task or delivery order in an amount greater than the simplified acquisition threshold, not greater than \$5.5 million, contracting officers, upon written request from an unsuccessful offeror, to provide a brief explanation as to why the offeror was unsuccessful, including the rationale for award and an evaluation of the significant weak or deficient factors in the offeror's offer.	08/06/2021 FAR staff notified DAR staff of CAAC differences from team report or DARC suggested changes. DAR and FAR staff resolving draft proposed FAR rule open issues.
2019-018	11, 17, 39, 4, 52, 7, 9	(S) Federal Acquisition Supply Chain Security Act of 2018	Implements the Federal Acquisition Supply Chain Security Act of 2018, which was part of the SECURE Technology Act, Pub. L 115-390(FY19).	08/30/2021 FAR staff notified DAR staff that CAAC agreed with draft rule as submitted by Team or as modified by DARC.
2019-017		(S) Training to Prevent Human Trafficking for Certain Air Carriers	Implements section 111 of the Frederick Douglass Trafficking Victims Prevention and Protection Reauthorization Act of 2018 (Pub. L. 115-425)(FY19).	09/30/2020 FAR staff notified DAR staff of CAAC differences from team report or DARC suggested changes. DAR and FAR staff resolving draft proposed FAR rule open issues.



## Open FAR Cases as of May 06, 2022

Case Number	Part Number	Title	Synopsis	Status
2019-015	2, 22, 23, 25, 3, 33, 52, 9	Improving Consistency Between Procurement & Non-Procurement Procedures on Suspension and Debarment	Revisions to improve consistency between the procurement and non-procurement procedures on suspension and debarment, based on recommendations of the Interagency Suspension and Debarment Committee.	03/24/2022 CAAC Legal identified draft proposed FAR rule issues. CAAC legal, FAR and DAR staff resolving issues.
2019-014		(EO) Strengthening America's Cybersecurity Workforce	Implements Executive Order 13870 of May 2, 2019, America's Cybersecurity Workforce, which directs agencies to incorporate the NICE Framework lexicon, taxonomy and reporting requirements into contracts for information technology and cybersecurity services.	04/23/2020 DAR staff notified FAR staff of DARC differences from Team report or CAAC suggested changes. DAR and FAR staff resolving draft proposed FAR rule open issues.
2019-009	1, 13, 39, 4, 52	(S) Prohibition on Contracting with Entities Using Certain Telecommunications and Video Surveillance Services or Equipment	Implements paragraph (a)(1)(B) of section 889 of the NDAA for FY 2019 which prohibits procurement from entities using covered equipment and services from Huawei Technologies Company, ZTE Corporation, Hytera Communications Corporation, Hangzhou Technology Company or Dahua Technology Company, to include any subsidiaries or affiliates.	10/26/2020 DARC Director tasked Acquisition Technology & Information FAR Team to review public comments, draft final FAR rule. Report due on 05/12/2021. Report due date extended to 05/25/2022.
2019-008	19, 52	Small Business Program Amendments	Implements regulatory changes proposed by the Small Business Administration (83 FR 62516) regarding small business programs. The proposed regulatory changes include the timing of the determination of size status for multiple-award contracts for which price is not evaluated at the contract level; the grounds for size status protests; and the grounds for socioeconomic status protests.	05/04/2022 DARC Director tasked Acquisition Small Business Team to review public comments, draft final FAR rule. Report due 06/15/2022.
2019-007	19, 2, 52	Update of Historically Underutilized Business Zone Program	Implements regulatory changes proposed by the Small Business Administration (83 FR 54812) regarding the Historically Underutilized Business Zone (HUBZone) Program. The proposed regulatory changes are intended to reduce the regulatory burden associated with the HUBZone Program.	04/27/2022 CAAC Legal concurrence with draft final FAR rule. FAR staff preparing to send to OFPP, pending GSA Administrator approval.
2018-024	52.251-2	Use of Interagency Fleet Management System Vehicles and Related Services	Amends FAR clause 52.251-1, Interagency Fleet Management System Vehicles and Related Services, to provide contractors that have been authorized to use fleet vehicles with additional information on how to request the vehicles from the Government.	09/23/2019 Case on hold, pending update of 41 CFR 101-39.

## Open FAR Cases as of May 06, 2022

Case Number	Part Number	Title	Synopsis	Status
2018-020	19, 36, 43, 52	(S) Construction Contract Administration	Implements section 855 of the NDAA for FY 2019. Section 855 requires, for solicitations for construction contracts anticipated to be awarded to a small business, notification to prospective offerors regarding agency policies or practices in complying with FAR requirements relating to the timely definitization of requests for equitable adjustment and agency past performance in definitizing such requests.	03/02/2022 Draft final FAR rule from FAR analyst to OFPP. OFPP reviewing.
2018-017	1, 12, 13, 39, 4, 52	(S) Prohibition on Certain Telecommunications and Video Surveillance Services or Equipment	Implements paragraph (a)(1)(A) of section 889 of the NDAA for FY 2019 which prohibits the procurement of covered equipment and services from Huawei Technologies Company, ZTE Corporation, Hytera Communications Corporation, Hangzhou Technology Company or Dahua Technology Company, to include any subsidiaries or affiliates.	04/20/2020 DARC Director tasked FAR Technology Team to review public comments, draft final FAR rule. Report due 07/01/2020. Report due date extended to 05/25/2022.
2018-014	8, 13, 15, 38	(S) Increasing Task-order Level Competition	Implements section 876 of the NDAA for FY 2019 (Pub. L. 115-232). Section 876 amends 41 U.S.C. 3306(c) by providing an exception to the requirement to consider price as an evaluation factor for the award of certain indefinite-delivery, indefinite-quantity contracts and Federal Supply Schedule contracts.	08/22/2018 DARC Director tasked Acquisition Strategy Team to draft proposed FAR rule. Report due 10/17/2018. Case transferred to FAR Acquisition Environmental and Contract Management Team. Report due date extended to 05/18/2022.

## Open FAR Cases as of May 06, 2022

Case Number	Part Number	Title	Synopsis	Status
2018-013		(S) Exemption of Commercial and COTS Item Contracts from Certain Laws and Regulations	Implements section 839(a) of the NDAA for FY 2019 and section 849(a) of the NDAA for FY 2018. Section 839(a) of the NDAA for FY 2019 requires a review of FAR Council determinations not to exempt contracts and subcontracts for commercial products, commercial services, and commercially available off-the-shelf items from certain laws and propose revisions to the FAR to provide an exemption from each law subject to such determination unless the FAR Council determines that there is a specific reason not to provide the exemption pursuant to 41 U.S.C. 1906 or the Administrator for Federal procurement Policy makes the comparable determination pursuant to 41 U.S.C. 1907. Section 849 (a) of the NDAA for FY 2018 required the same review by the Department of Defense. Also implements paragraphs (b) and (c) of section 839 of the NDAA for FY 2019. Paragraph (b) requires the FAR Council to review the FAR to assess every regulation that requires a specific clause in contracts for commercial products or commercial services, unless the regulation is required by law or Executive Order. Paragraph (b) also requires that revisions to the FAR be proposed to eliminate those regulations unless the FAR Council makes a determination not to eliminate a regulation. Paragraph (c) requires assessment of every regulation that requires a prime contractor to include specific clause in subcontracts for commercially available off-the-shelf items, unless the clause is required by law or Executive Order. Paragraph (c) also requires that revisions to the FAR be proposed to eliminate those regulations unless the FAR Council makes a determination not to eliminate a regulation. Paragraphs (b) and (c) require these revisions to be proposed within one year of the date of the enactment of section 839. FAR case 2018-019 was rolled into this case.	02/19/2020 DAR staff notified FAR staff that DARC agreed to draft proposed FAR rule. Awaiting CAAC concurrence.

## Open FAR Cases as of May 06, 2022

Case Number	Part Number	Title	Synopsis	Status
2018-012	27, 52	Rights to Federally Funded Inventions and Licensing of Government-Owned Inventions	Implements the change to 37 CFR Parts 401 and 404, Rights to Federally Funded Inventions and Licensing of Government Owned Inventions, dated 14 May 2018. The change reduces regulatory burdens, provides greater clarity to large businesses by codifying the applicability of Bayh-Dole as directed in Executive Order 12591, and provides greater clarity to all federal funding recipients by updating regulatory provisions to align with provisions of the Leahy-Smith America Invents Act in terms of definitions and time frames.	03/21/2022 Case on hold, pending publication of related NIST regulations at 37 CFR 401 and 404 pertaining to rights to Federally funded inventions and licensing of Government owned inventions.
2018-006		(S) Definition of "Subcontract"	Implements section 820 of the NDAA for FY 2018. Section 820 amends 41 U.S.C. 1906(c)(1) to change the definition of "subcontract" in certain circumstances. Implements a new approach to the prescription and flowdown for provisions and clauses applicable to acquisitions of commercial items or acquisitions that do not exceed the simplified acquisition threshold.	11/05/2019 DAR staff notified FAR staff that DARC agreed to draft proposed FAR rule. Awaiting CAAC concurrence.
2018-003	19, 42, 52	(S) Credit for Lower-Tier Small Business Subcontracting	Implements section 1614 of the NDAA for FY 2014, as implemented in the SBA regulations on 12/23/2016 (81 FR 94246), which allows prime contractors to receive credit toward goals in their small business subcontracting plans for subcontracts awarded by their subcontractors.	01/08/2020 Case on hold pending publication of a proposed rule by SBA.
2017-019	15, 19, 2, 52, 9	Policy on Joint Ventures	Implements regulatory changes regarding joint ventures made by the Small Business Administration (SBA) in their final rule published in the Federal Register on July 25, 2016 (81 FR 48558). Also clarifies that 8(a) joint ventures are not "certified" in the 8(a) Program and that 8(a) joint venture agreements must be approved by SBA prior to award of an 8(a) contract.	03/03/2022 Draft final FAR rule from FAR analyst to OFPP. OFPP reviewing.

## Open FAR Cases as of May 06, 2022

Case Number	Part Number	Title	Synopsis	Status
2017-016	11, 12, 2.1, 27, 35, 4, 52, 7	Controlled Unclassified Information	Implements 1) the National Archives and Records Administration (NARA) Controlled Unclassified information (CUI) program of E.O. 13556, which provides implementing regulations to address agency policies for designating, safeguarding, disseminating, marking, decontrolling, and disposing of CUI; and 2) OMB Memorandum M-17-12, Preparing for and Responding to a Breach of Personally Identifiable Information (January 3, 2017) which provides guidance on PII breaches occurring in cyberspace or through physical acts.	02/24/2022 CAAC Chair sent draft proposed FAR rule to OIRA. OIRA reviewing.
2017-014	1, 52	Use of Acquisition 360 to Encourage Vendor Feedback	Implements the OFPP memorandum "Acquisition 360--Improving the Acquisition Process through Timely Feedback from External and Internal Stakeholders" (March 2015), which builds on OFPP efforts to increase communication between Government and industry. Acquisition 360 is a survey tool with a centralized survey portal on the OMB Survey platform, allowing for real time data access by OMB and agencies.	02/23/2022 OFPP concurrence with draft final FAR rule. FAR staff preparing to send to OIRA.
2017-005	3.9, 31.205-47, 31.6, 52.203-17, 52.212-5, 52.244-6	(S) Whistleblower Protection for Contractor Employees	Implements Public Law 114-261(FY17), which makes permanent the pilot program to enhance whistleblower protection for contractor employees.	09/27/2019 DoD, GSA, NASA, and OFPP resolving issues, final rule.
2016-005	1.102-2, 10.001, 10.002	(S) Effective Communication between Government and Industry.	Implements section 887 of the NDAA for FY 2016 (Pub. L. 114-92), which provides that agency acquisition personnel are permitted and encouraged to engage in responsible and constructive exchanges with industry.	12/12/2019 Draft final FAR rule from FAR analyst to OFPP. OFPP reviewing.
2016-002	19, 2	Applicability of Small Business Regulations Outside the United States	Considers applicability of small business regulations to contracts performed outside the United States.	04/26/2022 Published final FAR rule in Federal Register (87 FR 24836) (FAC 2022-06). Effective 05/26/2022.
2015-038	12, 13, 17.8, 2.101, 52.217, 8.4	Reverse Auction Guidance	Implements OFPP memorandum, "Effective Use of Reverse Auctions." The memorandum provides guidance on the usage of reverse auctions, and was issued in response to recommendations within GAO report (Reverse Auctions: Guidance is Needed to Maximize Competition and Achieve Cost Savings, GAO-14-108).	03/02/2021 DARC Director tasked Acquisition Strategy Team to review public comments, draft final FAR rule. Report due 04/28/2021. Report due date extended to 05/18/2022.

## Open FAR Cases as of May 06, 2022

Case Number	Part Number	Title	Synopsis	Status
2015-014	25.303, 3.7, 42.1503, 52.225	(S) Prohibition on Providing Funds to the Enemy	Implements sections 841, 842, and 843 of the NDAA for FY 2015 (Pub. L. 113-291, as amended by section 822 of the NDAA for FY 2020 (Pub. L. 116-92)). Section 841 prohibits providing funds to the enemy. Section 842 provides additional access to records. Section 843 provides definitions.	04/15/2015 DAR staff notified FAR staff that DARC agreed to draft proposed FAR rule. Awaiting CAAC concurrence.